
**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

UNITED STATES OF AMERICA,
Plaintiff,

v.

BRANDON EUGENE JORDAN,
Defendant.

**MEMORANDUM DECISION
AND ORDER**

Case No. 2:17-CR-355-DAK

Judge Dale A. Kimball

This matter is before the court on Defendant's Motion for Compassionate Release under the First Step Act, 18 U.S.C. § 3582(c)(1)(A) [ECF No. 35]. Defendant requests that the court release him from custody due to Covid-19 and his underlying health conditions. Pursuant to General Order 20-019, the United States filed an opposition to Defendant's motion, and the United States Probation Office filed a recommendation that the court deny the motion.

On October 18, 2017, this court sentenced Defendant to 78 months incarceration with the Bureau of Prisons ("BOP"). Defendant has a projected release date of January 22, 2023, if he continues to receive credit for good conduct.

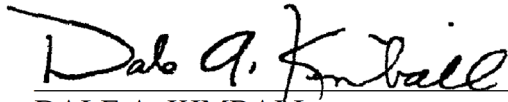
The First Step Act modified 18 U.S.C. § 3582(c)(1)(A) to allow a federal prisoner to file a motion with the court to reduce the defendant's term of imprisonment after the defendant has exhausted administrative remedies with the BOP. Defendant alleged or submitted evidence that he filed a motion for compassionate release under the CARES Act with the BOP. The United States' main opposition to the motion is that Defendant has not exhausted administrative remedies. Defendant's counsel has filed two status updates stating that she is attempting to get information regarding exhaustion of administrative remedies. However, the last status update

was almost eight months ago. The court cannot wait indefinitely. Therefore, the concludes that there is no evidence that Defendant has exhausted his administrative remedies as required in the First Step Act. If and when Defendant can demonstrate that he has made a request to the BOP under the First Step Act and it has been denied or thirty days have passed from receipt of the request by the warden of his facility, Defendant can bring a new motion in this court.

Accordingly, Defendant's Motion for Compassionate Release under 18 U.S.C. § 3582(c)(1)(A) [ECF No. 35] is DENIED.

Dated this 22nd day of November, 2021.

BY THE COURT:



DALE A. KIMBALL
United States District Judge